

APPELLATE DIVISION

The Appellate Section is responsible for overseeing all appellate work filed by the U.S. Attorney's Office in the Ninth Circuit Court of Appeals, acting as liaison with the U.S. Department of Justice and Solicitor General's Office on appellate matters, and handling special projects at the direction of the United States Attorney. The cases listed below are Ninth Circuit or Supreme Court decisions having a direct impact on the work of the District of Arizona.

UNITED STATES v. SAN JUAN-CARLOS

314 F.3d 384 (9th Cir. 2002)

U.S. Border Patrol Officers caught defendant illegally entering the United States. The Border Patrol officers advised defendant of his rights with respect to deportation proceedings. Soon after, defendant was told that he could also be charged criminally, and was given his *Miranda* warnings. After receiving his *Miranda* rights, defendant admitted he was a Mexican national illegally in the United States. The 9th Circuit reversed defendant's conviction on the grounds that different instructions given to defendant – the immigration advice and *Miranda* – were unclear and thereby rendered defendant's confession invalid. This decision has been applied to render invalid confessions of defendants who have been given tribal Advice of Rights and then federal *Miranda* warnings.

UNITED STATES v. JUVENILE MALE

CR 01-0536 (9th Cir. July 23, 2003)

The 9th Circuit held that a district court may not transfer a juvenile to adult status and in fact lacks jurisdiction over the matter, where the district court had not received the juvenile records of the juvenile as specified in 18 U.S.C. § 5032.

SELL v. UNITED STATES

123 S. Ct. 2174 (June 16, 2003)

The Supreme Court held that the government may administer anti-psychotic drugs to a mentally ill defendant who has refused to take anti-psychotic medication. The government may administer the drugs so that defendant becomes competent to stand trial.



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STOGNER v. CALIFORNIA
123 S. Ct. 3446 (June 26, 2003)

The Supreme Court held that altering statute of limitations for sex offenses, to allow prosecution for offenses which otherwise would have been barred as untimely because of the statute of limitations, violates the Constitution's Ex Post Facto Clause.

MARYLAND v. PRINGLE
123 S. Ct. 1571 (March 24, 2003)

The Supreme Court agreed to decide whether, in a vehicle stop by law enforcement, the discovery of drugs and cash in the passenger compartment of a car, for which all the occupants of the car deny responsibility, is sufficient probable cause under the Fourth Amendment to arrest the occupants of the car.